

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-cr-12-bbc

STEVEN M. SKOIEN,

Defendant.

DEFENDANT'S SECOND MOTION TO POSTPONE REPORT DATE

The Defendant, Steven Skoien, by counsel, respectfully moves the Court to postpone the date by which he is required to report to the Bureau of Prisons to begin serving his sentence. For the reasons that follow, Skoien requests that his report date be postponed until after his pending appeal is resolved. If the Court is unwilling to postpone the report date that long, then Skoien requests a report date after June 15, 2009.

1. Skoien was convicted, based upon his conditional guilty plea, of possessing a firearm after having been convicted of a misdemeanor crime of domestic violence. On October 24, 2008, the Court sentenced him to 24 months of imprisonment, but suspended the execution of that sentence until January 15, 2009. The Court indicated at the sentencing hearing that it was going to make Skoien's report date December 1, 2008, but extended it until January 15, 2009, to allow

Skoien as much time as possible to have surgery on his torn rotator cuff. *See* Sentencing Transcript at 17. Based upon Skoien's motion, the Court then further delayed his report date until March 16, 2009, to allow him to have surgery.

2. Skoien was first able to see a specialist on January 15, 2009, at which time his surgery was scheduled for February 18, 2009. The specialist, James J. Prosser, DO, discovered that, in addition to any rotator cuff injury, Mr. Skoien was also suffering from "frozen shoulder." This second ailment prevented surgery to repair Skoien's rotator cuff until after his frozen shoulder is remedied. Thus, on February 18, 2009, Dr. Prosser conducted arthroscopic surgery to repair Skoien's frozen shoulder. After he recovers from that surgery, further treatment, possibly including another surgery, will be required to repair his rotator cuff. Dr. Prosser's Report is attached as Exhibit A. Because of his pending report date of March 16, 2009, Skoien has not scheduled all of his required follow-up appointments. A schedule of his current appointments is attached as Exhibit B.

3. This case is currently scheduled for oral argument in the Seventh Circuit on April 6, 2009. Therefore, it is likely that a decision on the appeal should be received within the next 6 months. Delaying Skoien's report date until after the appeal is decided would allow enough time for Skoien to receive all the medical care he requires for his shoulder.

For the foregoing reasons, Skoien respectfully requests the Court to postpone his report date until after a decision is reached on his appeal. In the alternative, Skoien requests that his report date be postponed until at least June 15, 2009.

Dated at Madison, Wisconsin March 5, 2009.

Respectfully submitted,
STEVEN M. SKOIEEN, *Defendant*

/s/ Michael W. Lieberman
Michael W. Lieberman, Bar #1059034

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be served via the Court's CM/ECF system to Assistant United States Attorney Timothy O'Shea, this 5th day of March, 2009.

/s/ Michael W. Lieberman
Michael W. Lieberman